From: Brownfield Listings
To: COH - Mayor
Subject: Omnibus Doubles Brownfield Program, Boosts Development Spending Across the Board
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Design. Diligence. Development.

Biggest omnibus bill ever contains beefy policy changes too, including the first brownfield re-authorization with expanded liability protections, expanded grant eligibility and grant preferences for bluefield and brightfield developments.

On Friday, President Trump signed the Consolidated Appropriations Act of 2018 into law. Better known as the 2018 omnibus bill, it's a massive smorgasbord of funding and policy changes reaching across all levels of government and to all corners of the country and beyond. At 2,232 pages, this monster spending measure is stuffed to the brim. And at $1.3 trillion in total spending, it's the largest omnibus funding bill in U.S. history.

President Trump was not happy to sign his second big omnibus bill, vowing to "never sign another bill like this again" during the signing ceremony. "Nobody read it," he said, after threatening to veto it briefly in the morning.

Fortunately, a vigilant and vital few did manage to read it. BL among them.

And while the final package was slapped together rather quickly, this legislation cobbles together work ongoing in Washington and elsewhere for many years. There are many well considered and significant policy/program upgrades. So, beyond the record spending spread around to a surprising number of agencies and programs, the policy impact of this omnibus bill will be felt for many years to come.

Buried in the belly of the omnibus bill is the **Brownfields Utilization, Investment, and Local Development Act of 2018**, or the 2018 BUILD Act, which more than doubles funding for the brownfield program. A bipartisan compromise between multiple bills floating around both chambers of Congress in recent years, the BUILD Act appropriates $200,000,000 to the brownfield program each fiscal year through 2023—plus an additional $50,000,000 per year for state response program funding.

Many of its policy changes will have lasting effects, particularly for proactive municipalities, nonprofits, CDCs and even (some) private developers. Among many other things, the omnibus and BUILD Act:

- Expands the eligibility for brownfield grants for nonprofit organizations to include certain nonprofit organizations, limited liability corporations, limited partnerships, and community development entities.
- Relieves state and local governments from liability under certain circumstances if they own a contaminated site but did not cause the contamination.
- Incentivizes clean energy development on brownfields and revitalization of waterfront sites.
- Increases the funding limit for remediation grants to $500,000 for each site, with some exceptions for higher funding, and authorizes multi-purpose grants up to $1 million.
- Allows eligible entities to use up to 5% of their brownfields grant funding for administrative costs.
- Authorizes up to $20,000 in technical assistance grants to eligible entities in small communities, Indian tribes, rural areas, and disadvantaged areas.

Read BL's complete analysis to the omnibus and the BUILD Act here

(including bonus bits from the omnibus, *e.g.* EB-5, HUD, *etc.*)

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